



2026:AHC:20253

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1036 of 2026

Upendra Narayan Singh

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dhirendra Singh, J.P. Singh
Counsel for Respondent(s)	:	C.S.C., Dhananjay Awasthi

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri J.P. Singh, learned counsel for the writ petitioner as well as Sri S.K. Pal, learned Additional Chief Standing Counsel for respondents no. 1 to 3 and 5 and Sri Dhananjay Awasthi for respondent no. 4.

2. The writ petitioner herein had earlier approached this Court while filing writ seeking regularization had earlier filed Writ Petition No. 47412 of 2002 in which on 05.10.2010, the following order was passed.-

"याची का कथन है कि वर्ष 1989 से प्रतिपक्षी के यहाँ कार्यरत है परन्तु उसकी सेवा जियुक्ति नहीं की जा रही है जिससे क्षुब्ध होकर यह याचिका योजित की गयी है।

मैंने याची के विद्वान अधिवक्ता तथा प्रतिपक्षी की ओर से स्थायी अधिवक्ता को सुना मेरे विचार से यह उचित होगा कि याची इस सम्बन्ध में एक प्रत्यावेदन प्रतिपक्षी संख्या 3 के समक्ष दे। यदि इस तरह का कोई प्रत्यावेदन प्रस्तुत किया जाता है तो वह उस पर इस आदेश की प्रमाणित प्रतिलिपि प्राप्त होने के पश्चात अति शीघ्र यदि हो सके तो 3 माह के अन्दर एक तर्क संगत आदेश पारित करें याची अपना प्रत्यावेदन के साथ इस आदेश का प्रमाणित प्रतिलिपि तथा अन्य आवश्यक कागजात एवं एक लिफाफा मय वांछित टिकट के जिस पर याची का नाम एवं पता अंकित हो प्रस्तुत करेगा।

तत्पश्चात प्रतिपक्षी संख्या 3 निर्णय लेने पश्चात इस सम्बन्ध में याची को सूचित करेगा।

यह याचिका इसी टिप्पणी के साथ निस्तारित की जाती है।"

3. An intra-court appeal, Special Appeal No. 537 of 2011 was preferred which came to be decided on 10.11.2014 which reads as under.-

"Heard learned counsel for the appellant as well as learned Standing Counsel appearing for the State respondents and have perused the record.

The petitioner claims that he has worked as a daily wager in the Forest Department between 1989 to 1995. His writ petition claiming regularisation was disposed of with the direction to consider his representation. The said representation was rejected by order dated 11.6.2014 which was challenged by way of an amendment filed in Civil Misc. Writ Petition No. 47412 of 2002. The said writ petition was dismissed by judgement and order dated 5.10.2010 on the ground that the case of the petitioner-appellant was not covered under the U.P. Regularization Daily Wages Appointment on Group (D) Post Rules, 2001 as he was not in service between 29.6.1991 till 2001. The appellant submits that he would be entitled to the benefit of the Government Order dated 17.12.1981.

A perusal of the said order shows that the same is not a Government Order but merely a communication of the proposal of the Forest Minister that those who have worked three years, the proceedings to make them permanent may be initiated. The said circular is of the year 1981, eight years before the appellant claims to have joined as a daily wager. In view of the fact that when the writ petition was filed the Regularisation Rules 2001 had come into force. His claim for regularisation could be considered only on the said Rules and since the appellant was not covered by the same, regularisation was rightly rejected.

Learned counsel for the appellant has not placed any other Rules under which he would be entitled to be regularised or made permanent. In such view of the matter, the direction to regularise the appellant, has rightly been rejected. No interference is called for in the impugned order passed by the writ court.

Appeal is, accordingly, dismissed."

4. Thereafter, Special Leave to Appeal (CC) No. 5464 of 2015 came to be preferred in which on 03.02.2015, the following order was passed.-

"Delay Condoned.

We are not inclined to entertain this Special Leave Petition and the same is dismissed.

If the petitioner still feels that he has got other materials to demonstrate that the petitioner is governed by the 2001 Rules, it is always open to the petitioner to work out any such remedy before the High Court in accordance with law and on its merit."

5. Learned counsel for the writ petitioner submits that the claim of the

writ petitioner is to be considered for regularization in the light of Divisional Lodging Manager's letter dated 11.02.2022.

6. Learned Additional Chief Standing Counsel submits that the claim of the writ petitioner for regularization needs determination at the first instance by fourth respondent, Divisional Logging Manager, U.P. Forest Corporation, Renukoot, Sonbhadra.

7. Considering the submission so the writ petition stands **disposed of** directing the writ petitioner to submit a comprehensive representation along with self attested copy of the writ petition and certified copy of the order before the fourth respondent, Divisional Logging Manager, U.P. Forest Corporation, Renukoot, Sonbhadra who shall consider the claim of the writ petitioner strictly in accordance with law bearing in mind the admissibility, application of the rule and vacancies etc. within a period of two months.

8. In case, the fourth respondent is of the opinion of the Court that the matter needs to be decided by another authority then the papers be transmitted to the same.

(Vikas Budhwar,J.)

January 29, 2026

Rajesh